

Secondly, there are two phrases that include the language in question:

(a) “each of said exciters is capable of generating a maximum sound pressure level” followed by a comparative maximum sound pressure level statement (claims 2 and 11); and

(b) “each of said exciters is capable of generating sound across a maximum frequency bandwidth” followed by a comparative maximum frequency bandwidth statement (claims 3, 5, 6, 8, 12, 14, 15 and 17).

Both of these phrases are perfectly acceptable functional limitations because they merely state inherent properties of exciters – properties well known to those of ordinary skill in the art.

There is nothing inherently wrong with defining some part of an invention in functional terms. Functional language does not, in and of itself, render a claim improper. *In re Swinehart*, 439 F.2d 210, 169 USPQ 226 (CCPA 1971).

A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used.

MPEP § 2173.05(g). The quoted phrases, taken in context, merely compare the like properties of different exciters. One of ordinary skill in the art would have no trouble understanding these phrases. Accordingly, the rejection is unfounded, and should be withdrawn.

PRIOR ART REJECTION

Claims 1-3, 6, 9, 10-12, 15, 18 and 19 are rejected under 35 U.S.C. §103(a) as unpatentable over Mochida (US 5,509,290) in view of Armstrong (US 4,554,411). The rejection is respectfully traversed for at least the following reasons.

I Each of the independent claims recites that multiple exciters are mounted to a loudspeaker panel that is “capable of supporting bending waves.” However, Mochida makes no mention of bending waves.

Each of the independent claims also recites that each of the panel-mounted exciters is *separately* driven (or is adapted to be separately driven) by *independent* sources of drive signals. Acknowledging that such is not the case in Mochida, the Examiner turns to Armstrong for a supposedly relevant teaching. However, in Armstrong the drive signals from II

all of the sources (intercom, stereo, alarm, door bell, etc.) are fed to all exciters (speakers).

There is no suggestion that different signals (from different sources) be fed to different speakers, let alone different exciters of the same loudspeaker. Accordingly, the combination of Armstrong with Mochida, even if made, would not result in Applicant's claimed invention.

CONCLUSION

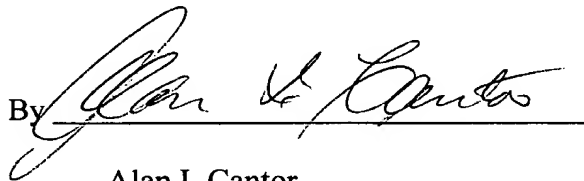
Applicant respectfully submits that the present application is in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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